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INTRODUCTORY REMARKS

In the Office Action dated October 6, 2003, the Examiner levied the following rejections:

- A) Claims 1-3, 7-9, 12-18, 22-24 and 27-31 were rejected under 35 U.S.C. 102(b) under Lewis.
- B) Claims 4 and 19 were rejected under 35 U.S.C. 103(a) under Lewis in view of Abe.
- C) Claims 5 and 20 were rejected under 35 U.S.C. 103(a) under Lewis in view of Kraushaar.
- D) Claims 6 and 21 were rejected under 35 U.S.C. 103(a) under Lewis in view of O'Donovan.
- E) Claims 10, 11, 25 and 26 were rejected under 35 U.S.C. 103(a) under Lewis in view of Altschul.
- F) The Drawings were subject to a Draftsperson's Objection.

Applicants thank the Examiner for the courtesies shown in the interview with their counsel on December 3, 2003.

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-- REMARKS --

A) Claims 1-3, 7-9, 12-18, 22-24 and 27-31 were rejected under 35 U.S.C. 102(b) under Lewis.

The rejections to claims 1-3, 7-9, 12-18, 22-24 and 27-31 are traversed. In order for this 102(b) rejection to stand, each and every element of the claims must be disclosed in as great detail by the reference as claimed. Because Lewis does not disclose, at a minimum, "modifying the call count based on calling plan parameters," as claimed in claim 1, "computer readable program code for modifying the call count based on calling plan parameters" as claimed in claim 16, and "means for modifying the call count based on calling plan parameters" as claimed in claim 31, this 102(b) rejection must fall.

Lewis does not disclose modifying the call count based on calling plan parameters. The Examiner referenced the abstract, as well as column 3 lines 12-29 and column 5 line 55 to column 6 line 19, as disclosing this claimed element. However, at most, Lewis discloses merely having a call count. Specifically, Lewis discloses a method and apparatus that "generates statistical information indicative of telephone usage." (Abstract). The Lewis apparatus and method "allows the user to set parameter values associated with statistical information indicative of a customer billing plan and the current date and time." (Abstract). Nowhere in the disclosure does Lewis disclose "modifying the call count based on calling plan parameters."

Therefore, Lewis cannot anticipate the inventions claimed in claims 1, 16 and 31, and withdrawal of the rejections to these claims is requested.

Furthermore, Lewis does not disclose "adding the modified call count; and determining an accumulated call count" as claimed in claim 2. Lewis does not disclose "subtracting the modified call count from a time ration; and determining a remaining call time" as claimed in claim 3. Lewis does not disclose using a modified call count, and rather discloses merely a rote summation of time increments. Furthermore, claims 2 and 3 depend from claim 1, and are therefore allowable over Lewis for at least the same reasons. Claims 7-8 depend from claim 1 and are therefore allowable over Lewis for at least the same reasons. Claims 17 and 18 depend

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from claim 16 and are allowable over the prior art for at least the same reasons. Claims 22 and 23 depend from claim 16 and are allowable over the prior art for at least the same reasons. Additionally, claims 22 and 23 incorporate limitations similar to the limitations of claims 7 and 8, and are therefore allowable over the prior art for similar reasons.

Lewis does not disclose a modified call count as claimed in claim 9. Further, claim 9 depends from claim 1. Therefore, claim 9 is allowable over Lewis. Claims 12-15 depend directly from claim 9 and indirectly from claim 1, and are therefore allowable over the prior art for at least the same reasons. Claims 27-30 depend from claim 16 and incorporate limitations similar to claim 12-15 and are therefore allowable over the prior art for at least the same reasons.

Withdrawal of the rejections to claims 1-3, 7-9, 12-18, 22-24 and 27-31 is requested.

B) Claims 4 and 19 were rejected under 35 U.S.C. 103(a) under Lewis in view of Abe.

The rejection of claims 4 and 19 as unpatentable over Lewis in view of Abe is traversed. Claims 4 and 19 are dependent claims, depending from claims 1 and 16, and are therefore patentable over Lewis in view of Abe for at least the same reasons as claims 1 and 16 above. Where an independent claim is nonobvious, any claim depending therefrom is also non-obvious. See MPEP 2143.03 (If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ 1596 (Fed Cir. 1988)).

Withdrawal of the rejections to claims 4 and 19 is requested.

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C) Claims 5 and 20 were rejected under 35 U.S.C. 103(a) under Lewis in view of Kraushaar.

The rejection of claims 5 and 20 as unpatentable over Lewis in view of Kraushaar is traversed. Claims 5 and 20 are dependent claims, depending from claims 1 and 16, and are therefore patentable over Lewis in view of Kraushaar for at least the same reasons as claims 1 and 16 above. Where an independent claim is nonobvious, any claim depending therefrom is also non-obvious. See MPEP 2143.03 (If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ 1596 (Fed Cir. 1988)).

Withdrawal of the rejections to claims 5 and 20 is requested.

D) Claims 6 and 21 were rejected under 35 U.S.C. 103(a) under Lewis in view of O'Donovan.

The rejection of claims 6 and 21 as unpatentable over Lewis in view of O'Donovan is traversed. Claims 6 and 21 are dependent claims, depending from claims 1 and 16, and are therefore patentable over Lewis in view of O'Donovan for at least the same reasons as claims 1 and 16 above. Where an independent claim is nonobvious, any claim depending therefrom is also non-obvious. See MPEP 2143.03 (If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ 1596 (Fed Cir. 1988)).

Withdrawal of the rejections to claims 6 and 21 is requested.

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E) Claims 10, 11, 25 and 26 were rejected under 35 U.S.C. 103(a) under Lewis in view of Altschul.

The rejection of claims 10, 11, 25 and 26 as unpatentable over Lewis in view of Altschul is traversed. Claims 10, 11, 25 and 26 are dependent claims, depending from claims 1 and 16, and are therefore patentable over Lewis in view of Altschul for at least the same reasons as claims 1 and 16 above. Where an independent claim is nonobvious, any claim depending therefrom is also non-obvious. See MPEP 2143.03 (If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ 1596 (Fed Cir. 1988)).

Withdrawal of the rejections to claims 10, 11, 25 and 26 is requested.

F) The Drawings were subject to a Draftsperson's Objection.

The draftsperson's objection is traversed. Applicants have attached a revised formal figure 1 to obviate the objection. Withdrawal of the draftsperson's objection is requested.

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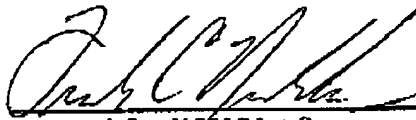
SUMMARY

Applicants believe that claims 1-31 fully comply with the requirements of 35 U.S.C. 101, 102, 103 and 112, and that this case is ready for allowance. Examiner Omary's rejections of claims 1-31 have been obviated by the above remarks. Withdrawal of all rejections is requested, and Applicants ask that this case pass to allowance without delay. If any questions remain that may be resolved in a telephonic interview, Applicants ask the Examiner to contact the undersigned.

Dated: January 6, 2004

Respectfully submitted,

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